

## RESOLUTION 08-02

1       **A RESOLUTION OF THE GOVERNING BOARD OF THE ANTELOPE VALLEY AIR**  
2       **QUALITY MANAGEMENT DISTRICT MAKING FINDINGS, CERTIFYING THE NOTICE OF**  
3       **EXEMPTION, ADOPTING THE *FEDERAL 8-HOUR OZONE ATTAINMENT PLAN (WESTERN***  
4       ***MOJAVE DESERT NON-ATTAINMENT AREA*) AND DIRECTING STAFF ACTIONS.**

5       On May 20, 2008, on motion by Member MCCOY, seconded by Member HAWKINS, and  
6       carried, the following resolution is adopted:

7       **WHEREAS**, the Antelope Valley Air Quality Management District (AVAQMD) has authority  
8       pursuant to California Health and Safety Code (H & S Code) §§40702, 40725-40728 to adopt, amend or  
9       repeal rules and regulations; and

10       **WHEREAS**, on March 9, 2006, USEPA shifted its ozone standard from measurement on a one-  
11       hour basis to an eight hour basis (8-hour ozone standard); and

12       **WHEREAS**, the United States Environmental Protection Agency (USEPA) designated the  
13       Western Mojave Desert non-attainment area as non-attainment for the 8-hour ozone National Ambient Air  
14       Quality Standard (NAAQS) pursuant to the provisions of the Federal Clean Air Act (FCAA); and

15       **WHEREAS**, the AVAQMD is included in the Western Mojave Desert non-attainment area; and

16       **WHEREAS**, the AVAQMD and its predecessor agencies have adopted State and Federal  
17       attainment plans for the region to comply with the one-hour ozone designation within its jurisdiction; and

18       **WHEREAS**, the most recent such plan that was approved by USEPA is the AVAQMD 2004  
19       Ozone Attainment Plan adopted in 2004 to comply with the 8-hour ozone planning requirements; and

20       **WHEREAS**, the AVAQMD has reviewed and updated all elements of the AVAQMD 2004  
21       Ozone Attainment Plan adopted in 2004; and

22       **WHEREAS**, the AVAQMD will be in attainment of the 8-hour NAAQS for ozone by 2021; and

23       **WHEREAS**, the *Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-*  
24       *Attainment Area)* includes the latest planning assumptions regarding population, vehicle activity and  
25       industrial activity within the jurisdiction of the AVAQMD; and

26       **WHEREAS**, the *Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-*  
27       *Attainment Area)* addresses all existing and forecast ozone precursor-producing activities within the  
28       jurisdiction of the AVAQMD through the year 2020; and

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1       **WHEREAS**, the *Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-*  
2 *Attainment Area)* includes all necessary information to allow general and transportation conformity  
3 findings to be made within the Antelope Valley; and

4       **WHEREAS**, the proposed adoption of the *Federal 8-Hour Ozone Attainment Plan (Western*  
5 *Mojave Desert Non-Attainment Area)* is necessary to update AVAQMD planning to include the latest  
6 planning assumptions regarding population, vehicle activity and industrial activity; addresses all existing  
7 and forecast ozone precursor-producing activities within the Antelope Valley through the year 2020; and  
8 includes all necessary information to allow general and transportation conformity findings to be made  
9 within the Antelope Valley; and

10       **WHEREAS**, the AVAQMD has the authority pursuant to H & S Code §40702 to do such acts as  
11 may be necessary or proper to execute the powers and duties granted to, and imposed upon, the District by  
12 this division and other statutory provisions; and

13       **WHEREAS**, the proposed adoption of the *Federal 8-Hour Ozone Attainment Plan (Western*  
14 *Mojave Desert Non-Attainment Area)* is clear in that the meaning can be easily understood by the persons  
15 impacted by the Plan; and

16       **WHEREAS**, the proposed adoption of the *Federal 8-Hour Ozone Attainment Plan (Western*  
17 *Mojave Desert Non-Attainment Area)* is in harmony with, and not in conflict with, or contradictory to  
18 existing statutes, court decisions, or state or federal regulations because the AVAQMD has experienced  
19 ambient ozone concentrations in excess of the 8-hour ozone NAAQS and this document: (1) demonstrates  
20 that the AVAQMD will meet the primary required Federal ozone planning milestones, attainment of the  
21 8-hour ozone NAAQS by June 2021; (2) presents the progress the AVAQMD will make towards meeting  
22 all required ozone planning milestones; and (3) discusses the newest 0.075 part per million 8-hour ozone  
23 NAAQS, preparatory to an expected non-attainment designation for the new NAAQS. This document  
24 satisfies 42 U.S.C. §§7410, 7502, 7504 and 7511a (FCAA §§110, 172, 174, and 182) regarding  
25 implementation plans, non-attainment plan provisions, planning procedures, and ozone plan submissions  
26 and requirements for the 8-hour NAAQS; and

27       **WHEREAS**, the proposed adoption of the *Federal 8-Hour Ozone Attainment Plan (Western*  
28 *Mojave Desert Non-Attainment Area)* does not impose the same requirements as any existing state or



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1 federal regulation because USEPA has revoked the one-hour standard which was the basis for all previous  
2 ozone plans. The proposed plan is being promulgated in response to the new 8-hour ozone standard. As a  
3 result, this document replaces the obsolete one-hour plan; and

4 **WHEREAS**, the proposed adoption is needed because this document includes the latest planning  
5 assumptions regarding population, vehicle activity and industrial activity; addresses all existing and  
6 forecast ozone precursor-producing activities within the Antelope Valley through the year 2020; and  
7 includes all necessary information to allow general and transportation conformity findings to be made  
8 within the Antelope Valley; and

9 **WHEREAS**, a public hearing has been properly noticed and conducted, pursuant to H & S Code  
10 §40725, concerning the proposed adoption of the *Federal 8-Hour Ozone Attainment Plan (Western*  
11 *Mojave Desert Non-Attainment Area)*; and

12 **WHEREAS**, a Notice of Exemption, a Categorical Exemption (Class 8, 14 CCR §15308) for the  
13 proposed adoption of the *Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-*  
14 *Attainment Area)*, completed in compliance with the California Environmental Quality Act (CEQA), has  
15 been presented to the AVAQMD Board; each member having reviewed, considered and approved the  
16 information contained therein prior to acting on the proposed adoption of the *Federal 8-Hour Ozone*  
17 *Attainment Plan (Western Mojave Desert Non-Attainment Area)*, and the AVAQMD Board having  
18 determined that the proposed adoption will not have any potential for resulting in any adverse impact  
19 upon the environment; and

20 **WHEREAS**, the Board has considered the evidence presented at the public hearing; and

21 **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Board of the AVAQMD finds  
22 that the proposed adoption of the *Federal 8-Hour Ozone Attainment Plan (Western Mojave Desert Non-*  
23 *Attainment Area)* is necessary, authorized, clear, consistent, non-duplicative and properly referenced; and

24 **BE IT FURTHER RESOLVED**, that the Governing Board of the AVAQMD hereby makes a  
25 finding that the Class 8 Categorical Exemption (14 CCR §15308) applies and certifies the Notice of  
26 Exemption for the proposed adoption of the *Federal 8-Hour Ozone Attainment Plan (Western Mojave*  
27 *Desert Non-Attainment Area)*; and

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1 **BE IT FURTHER RESOLVED**, that the Board of the AVAQMD does hereby adopt, pursuant to  
2 the authority granted by law, the proposed adoption of the *Federal 8-Hour Ozone Attainment Plan*  
3 (*Western Mojave Desert Non-Attainment Area*), as set forth in the attachments to this resolution and  
4 incorporated herein by this reference; and

5 **BE IT FURTHER RESOLVED**, that this resolution shall take effect immediately upon adoption,  
6 that the Clerk of the Board is directed to file the Notice of Exemption in compliance with the provisions  
7 of CEQA.

8 **PASSED, APPROVED AND ADOPTED** by the Governing Board of the Antelope Valley Air Quality  
9 Management District by the following vote:

10 AYES: 4 MEMBER: HAWKINS, MARQUEZ, MCCOY, SMITH

11 NOES: MEMBER:

12 ABSENT: 3 MEMBER: LEDFORD, LAWSON, DISPENZA

13 ABSTAIN: MEMBER:

14  
15 STATE OF CALIFORNIA )  
16 COUNTY OF LOS ANGELES ) SS:  
17 )

18 I, Crystal Bates, Deputy Clerk of the Governing Board of the Antelope Valley Air Quality  
19 Management District, hereby certify the foregoing to be a full, true and correct copy of the record of the  
20 action as the same appears in the Official Minutes of said Governing Board at its meeting of May 20,  
21 2008.

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Deputy Clerk of the Governing Board,  
Antelope Valley Air Quality Management District.